

# EXHIBIT 19

VOLUME: I  
PAGES: 1-95

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-11948-RGS

\*\*\*\*\*  
SEYED MOHSEN HOSSEINE-SEDEHY, )  
Plaintiff )  
vs. )  
ERIN T. WITHINGTON and )  
THE CITY OF BOSTON, )  
Defendants )  
\*\*\*\*\*

DEPOSITION OF MOHSEN HOSSEINI, a  
witness called on behalf of the Defendants,  
pursuant to the Massachusetts Rules of Civil  
Procedure, before Kelly G. Patterson, a  
Notary Public in and for the Commonwealth of  
Massachusetts, at the Law Department of City  
Hall, Room 615, Boston, Massachusetts, on  
Friday, October 14, 2005, commencing at  
9:23 a.m.

1 later?  
 2 A. Two to three weeks later, because I remember  
 3 the first two weeks I was numb. My world  
 4 was crumbling. I was humiliated. I  
 5 couldn't look in my wife's eyes. Then it  
 6 hit me, how am I going to feed my family.  
 7 Q. Were you working at that time? Did you  
 8 return to work after the March 22, 2004  
 9 incident?  
 10 A. No, ma'am. I was not allowed to go back to  
 11 work by the company, because the company,  
 12 just like the court system, no matter if you  
 13 have 15 years of history with them,  
 14 considers you guilty until proven innocent,  
 15 and no matter the situation. So they have  
 16 to get their lawyers involved and everything  
 17 else. Later on they made a decision and  
 18 found out I was on the truth side to  
 19 actually pay me for sitting home.  
 20 Q. So were you being paid during the time you  
 21 were not working?  
 22 A. I was paid to sit home and contemplate for  
 23 two weeks.  
 24 Q. After two weeks, did you return to work?

1 A. I was in New York, New Jersey to physically  
 2 work.  
 3 Q. To what?  
 4 A. Physically work, not sit on a couch and get  
 5 paid.  
 6 Q. Were you taking on the role of foreman in  
 7 New York and New Jersey?  
 8 A. Yes, ma'am. I went back to my  
 9 responsibilities.  
 10 Q. At what point was there follow-up in terms  
 11 of the March 22, 2004 incident? So after  
 12 that --  
 13 A. I remember I was in New Jersey, I traveled  
 14 once for one hearing. I traveled another  
 15 time for another one.  
 16 Q. So you went to two more hearings after that?  
 17 A. I want to say one for fact, which I was  
 18 facing the judge this way, and the second  
 19 time I was facing the judge that way. Right  
 20 way, left way. I'm sorry, ma'am, you're  
 21 typing. The nature of the beast, I'm not  
 22 going to block out of my memory, because  
 23 when they dismissed me, no one said I'm  
 24 sorry, and when I asked would this get taken

1 off of my record, they said no. Just put  
 2 yourself in my shoes. My son was born in  
 3 this country. Unlike me, he could become a  
 4 president of this country if he wanted to.  
 5 I don't even think he can become a counsel  
 6 person, because the politics of this  
 7 country, they use your dad and mom against  
 8 you. The dad has criminal record now.  
 9 Q. At what point did you find out your criminal  
 10 case had been dismissed?  
 11 A. I was in the courthouse with my lawyer in  
 12 the final day, which was a very long day,  
 13 also. District attorney couldn't make  
 14 decisions -- I'm sorry, I have blocked a lot  
 15 of things out. I don't know if I got the  
 16 answer through a letter -- no, I got the  
 17 answer by a phone call by my attorney  
 18 congratulating me.  
 19 Q. I don't want you to tell me about your  
 20 conversations with your attorney.  
 21 A. I know.  
 22 Q. I'm not asking your about that, because  
 23 those are privileged.  
 24 A. No, it wasn't in the courthouse that I found

1 out, it was a phone call.  
 2 Q. That was sometime in June or July of 2004?  
 3 A. Yes, ma'am.  
 4 Q. During this time, did you have any -- you  
 5 had no interaction with Detective Schroeder?  
 6 A. Zero.  
 7 Q. At the time of the incident on March 22,  
 8 2004, how would you describe your  
 9 relationship with Mr. Bavis, Joe Bavis?  
 10 A. Joe Bavis came back to work in 2004 after  
 11 being away for a year and a half. The very  
 12 first day of work, which was the show prior  
 13 to the show that I was arrested, it was the  
 14 very first show of the year in Boston. The  
 15 way that I perform my duties is every person  
 16 is important and the group and the team is  
 17 crucial to the success of the way I run the  
 18 shows or my operation. So in the morning, I  
 19 say good morning to everyone, welcome  
 20 everyone, because as an hourly worker, you  
 21 have no clue what your life looks like, so I  
 22 try to explain to my guys, the Teamster's,  
 23 what their life is going to look like the  
 24 next few hours. "Hey guys, we're looking at

1 two eight-hour shifts. You're going to have  
2 a long shift on the third day. When the  
3 show is open, you're not going to see much  
4 work, and when the show is over," --  
5 basically, give them the rundown. They  
6 appreciate that, because they can make  
7 appointments with their families or doctors.  
8 That morning, I started by welcoming back  
9 Joe Bavis. First of all, after I said hello  
10 to everyone, hope you all had a great  
11 holidays, because I had hadn't seen them  
12 since the holidays, even though I believe  
13 the first show was in February. I welcomed  
14 Joe Bavis back and then gave them the what  
15 their lives would look like the next few  
16 days. I did my safety speech, I do a safety  
17 speech every morning, how to operate  
18 machinery, in case of emergency, how to exit  
19 the building, where to meet after we exit  
20 the buildings, the whole work, and we went  
21 back to work. The very first show, Joe  
22 Bavis was very pleasant. He followed all of  
23 the instructions he was given. He used the  
24 word I'm here to do my business and I'm

Page 71

1 going to do what I'm told. There was one of  
2 my Teamster's, Eddie Flaherty, who was upset  
3 about a seniority issue. One of the guys  
4 was getting ahead of him. I talked to Ed, I  
5 said "Hey, Ed, don't worry about it. Eight  
6 hours, I'll give you eight hours. It's not  
7 worth being upset about," and when I calmed  
8 him down he realized that he wasn't right,  
9 that I had followed the seniority, and he  
10 appreciated the fact that I took the time to  
11 speak to him.  
12 Q. Sorry to interrupt, Mr. Hosseini.  
13 A. I'm sorry.  
14 Q. No, no, that's okay. I appreciate the  
15 details. I guess what I'm looking for, if  
16 you could describe your relationship with  
17 Mr. Bavis before the March 22, 2004  
18 incident. He was your coworker?  
19 A. No, ma'am, they all work for me, even though  
20 I call them my coworkers, they all work for  
21 me. I tell them what to do, when to show  
22 up, when to go home, and his job was fine.  
23 He did a fine job during the  
24 installation/dismantle of the show. Even on

1 the day of my arrest, Joe Bavis was present.  
2 He followed all my instructions. Once he  
3 was down away from the elevator, as we use  
4 elevators to off-load the equipment, when I  
5 asked "Joe, come on, buddy, you're killing  
6 me," that's my phrase "You're killing me,"  
7 "The guys at the dock are waiting. I'm  
8 sorry, I was answering a phone call." Even  
9 then, no issue with Mr. Bavis.

10 Q. So during 2004, prior to your arrest, you  
11 had no incidents with Mr. Bavis?

12 MR. BUTLER: I object.

13 A. No, ma'am. I saw Mr. Bavis back in 2004.  
14 Between 2002 and 2004, he hadn't worked for  
15 us.

16 Q. When did he start working for you in 2004?

17 A. The first show of the year, which I believe,  
18 again I have to consult the show schedule,  
19 the very first show that he did in the city  
20 of Boston in 2004. Joe Bavis is No. 11 on  
21 seniority, or was.

22 Q. Prior to that, Mr. Bavis had not been  
23 working since 2002?

24 A. That is correct, ma'am.

Page 73

1 Q. Because he was on disability?  
2 A. Because he could not supply documentation  
3 that he is released.  
4 Q. When he provided you with -- did he provide  
5 you with the medical letters?  
6 A. No, ma'am. I was informed by the human  
7 relations safety manager in New Jersey that  
8 Mr. Bavis would be coming back to work.  
9 Q. Had you had any role in his absence from  
10 work or in denying him the opportunity to  
11 work prior to 2004?  
12 A. No, ma'am. I don't make those decisions.  
13 Those are the human relations decisions.  
14 Q. Just bear with me for a moment.  
15 A. No problem.  
16 Q. Thank you. At any point, did you discuss  
17 with Mr. Bavis the allegations that he made  
18 against you?  
19 A. Excuse me?  
20 Q. At any point, did you discuss with Mr. Bavis  
21 the allegations regarding your arrest?  
22 A. I've never seen Mr. Bavis since my arrest.  
23 Q. So since March 22, 2004, you've never seen  
24 Mr. Bavis?

19 (Pages 70 to 73)